

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date June 21, 2016
Dept. Development Services Department

Item Title: **Continued Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Miranda Evans, Assistant Planner
David De Vries, Development Services Director

Recommendation:

- | |
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| <ol style="list-style-type: none">1) Conduct the continued public hearing; and2) Introduce Ordinance No. 439 (Attachment B). |
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Item Summary:

At the May 17, 2016 City Council Meeting, staff was directed to amend the draft beekeeping ordinance to reduce the beekeeping permit fee, eliminate the adjacent property owner notifications, amend the beehive size requirements, and provide a public outreach plan. This staff report provides background information and an overview of the proposed amendments to the City's beekeeping regulations which include provisions relating to locational requirements (setbacks), permit fees, bee species, registration, firefighting material, and public nuisance requirements.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Exempt, Section 15307 and 15308 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|-------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | | <input type="checkbox"/> Notice to property owners within 500 ft. |

Attachments:

- A. Staff Report
- B. Ordinance No. 439 – (ZA1-600-0001)

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date June 21, 2016

Item Title: **Continued Public Hearing to Consider Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Miranda Evans, Assistant Planner
David De Vries, Development Services Director

Background and Discussion:

During public comment at a City Council meeting in early 2015, several citizens spoke about existing beekeeping activity and their positions regarding said activity. There was a current code enforcement case at the time that has since been closed. A property owner with bee hives asked that the City Council consider allowing the beehives utilizing the current provisions and the neighboring property owner asked that the hives be removed because she has small children. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City.

At the April 21, 2015 City Council meeting, staff presented a report that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. Staff noted that there had been approximately six requests in the past decade for beekeeping activities and less than that in code enforcement activities. The records show that there are currently no beekeeping permits issued in the City (a requirement under the City's current beekeeping regulations) and no open code enforcement cases related to beekeeping. At the hearing, a total of two citizens spoke in favor of beekeeping, and two residents expressed concerns for beekeeping in their neighborhood. The City Council directed staff to return with a draft beekeeping ordinance.

At the City Council public hearing held on April 5, 2016, staff recommended changes to the City's beekeeping regulations and provided an analysis of the beekeeping regulations throughout the County of San Diego. Out of the nineteen local jurisdictions, there are six agencies (including Lemon Grove) that currently have standards for beekeeping activities. The County of San Diego adopted updates to their beekeeping ordinance in November 2015 and city staff waited until the County adopted formal regulations before continuing the analysis for the City's beekeeping ordinance. Jurisdictions with beekeeping standards are the County of San Diego and the cities of San Diego, La Mesa, Santee, and Chula Vista. It is notable that National City prohibits beekeeping by ordinance.

Current Lemon Grove Beekeeping Regulations

The Lemon Grove Municipal Code contains provisions related to animal keeping, more specifically beekeeping, under its exotic animal provisions (Section 18.16.060(B) Exotic Animals).

The current provisions allow beekeeping in the City's Residential Low and Low/Medium Zoning Districts which are single-family residential areas and make up the majority of the City. The provisions require a beekeeping permit, abutting neighbors would be required to be notified, no more than two hives are allowed and a minimum lot size of 10,000 sq. ft. is required. Two additional hives may be allowed on lots that are 15,000 sq. ft. in area. To date, the City has not received nor approved a bee keeping permit for any residence in Lemon Grove nor is there an

Attachment A

adopted fee for a permit. The City has similar separation requirements compared to other jurisdictions, but no distance requirements for sensitive sites. The City also has a water availability requirement to keep bees from searching for alternative water sources.

The City Council provided direction to staff requesting simplified regulations to encourage beekeeping within the City. Feedback included:

- Establishing a fee for a beekeeping permit;
- Adding requirements pertaining to sensitive sites, such as schools and picnic areas;
- Eliminating minimum lot sizing requirements;
- Adding requirements establishing the maximum size of permitted beehives; and
- Amending locational requirements to encourage beekeeping within the City.

The April 5, 2016 public hearing was continued to May 15, 2016. Staff incorporated feedback into the proposed amendments and presented them at the May 15th continued public hearing.

At the May 15, 2016 continued public hearing, several beekeeping enthusiasts spoke in favor of the beekeeping regulations with some speakers recommending a change to the adjacent property owner notifications to avoid unwarranted fear, a reduced permit fee and changes to beehive size allowing for various forms of beehives. The City Council provided the following direction to staff:

- Reduce the fee of the beekeeping permit from the proposed \$75 amount to a permit fee of \$35;
- Eliminate the adjacent property notification requirement;
- Establish a public outreach plan to notify the community of the revised regulations; and
- Revise the proposed beehive size restriction of three square feet in area and four and one-half feet in height to instead be 15 cubic feet in volume.

Staff has incorporated the City Council's input into the revised ordinance as described below.

Proposed Bee Keeping Ordinance

Staff recommends that the City Council add these provisions as part of the proposed bee keeping ordinance. Draft provisions include:

- 1) Set a fee of \$35 for a beekeeping permit. This fee would be added to the Master Fee Schedule for Fiscal Year 2016-2017;
- 2) Amend locational requirements for beehives to encourage beekeeping within the City of Lemon Grove;
- 3) Add requirements for sensitive sites (e.g., schools, playgrounds, picnic areas, senior centers, etc.) and registration for sensitive sites;
- 4) Eliminate the adjacent property owner notification requirement and the written protest period as described in 18.16.020 (2) and 18.16.020 (a);
- 5) Add a requirement for the maximum beehive size; based upon conservative industry standards, a beehive shall be no larger than 15 cubic feet in volume;
- 6) Add a requirement for firefighting materials near a hive;
- 7) Add that the types of bee species allowed are required to be docile and nonaggressive;
- 8) Require registration of the apiaries with the County of San Diego Department of Agriculture, Weights, and Measures (currently free for less than 10 apiaries on a site);
- 9) Correct subsection A under exotic animals to reference Section 6.04.420 instead of

Attachment A

6.04.430. This is incorrectly cited.

The following table describes the proposed locational requirements in further detail:

Proposed Lemon Grove Beekeeping Locational Regulations

Number of Hives	Minimum Distance from Hive to Roadway/Access Easement	Minimum Distance to Side and Rear Property Line	Minimum Distance to Neighboring Dwellings	Minimum Distance to Sensitive Sites
1 to 2	25'	15'	25'	100' from the border of sensitive sites
3 to 4	25'	15'	100'	100' from the border of sensitive sites

Upon adoption and second reading of the ordinance, staff recommends implementing a six-month amnesty period for all current beekeepers with existing hives. During the proposed six-month amnesty period, the beekeeper would be able to apply for the permit at no cost. Thereafter, staff recommends that existing hives, including those located near a sensitive site, can be deemed a legal non-conforming use with opportunities to apply for a beekeeping permit.

After the second reading of the ordinance, staff will implement the public outreach plan to educate the community about the revised beekeeping regulations. The public outreach plan is in lieu of the eliminated adjacent property owner notification requirement. For public outreach, staff recommends continually providing 'Beekeeping Permit Resources' on the City's Code Enforcement webpage, annually advertising the beekeeping regulations in the City's Newsletter (The Grove Gazette), and sharing updates about the regulations on the City's social media sites (e.g. Twitter, Facebook, and Instagram). The six-month amnesty period, the public outreach plan, and the beekeeping permit fee will be incorporated into a companion resolution to be presented with the ordinance during the second reading. |

Public Information:

The proposed amendments are found to be categorically exempt from the California Environmental Quality Act referencing Sections 15307 (actions by regulatory agencies for protection of natural resources) and 15308 (actions by regulatory agencies for protection of the environment).

The Notice of Public Hearing for this item was published in the March 24, 2016 edition of the East County Californian.

Attachment A

No formal public comments have been received as of the writing of this report.

Conclusion:

Staff recommends that the City Council: 1) continue the public hearing from May 17, 2016, and 2) introduce Ordinance No. 439 and approve Zoning Amendment ZA1-600-0001 that incorporates feedback from the April 5, 2016 and May 17, 2016 City Council meetings.]

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 18.16 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO THE BEEKEEPING REGULATIONS

WHEREAS, in early 2015, several citizens spoke in a public hearing about an existing beekeeping activity and a related code enforcement case. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City; and

WHEREAS, at the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. The City Council directed staff to return with a draft beekeeping ordinance that provides comparisons between provisions in the County of San Diego and City of San Diego ordinances; and

WHEREAS, on April 5, 2016, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, on April 5, 2016, the City Council provided direction to staff, simplifying beekeeping regulations and further encouraging beekeeping in the City and then continued the public hearing to the May 17, 2016 City Council meeting; and

WHEREAS, on May 17, 2016, the continued public hearing was held by the Lemon Grove City Council; and

WHEREAS, on May 17, 2016, the City Council provided further direction to staff to reduce the beekeeping permit cost, eliminate the adjacent property notification requirement, establish a public outreach plan, and revise the proposed beehive size restriction and then continued the public hearing to the June 21, 2016 City Council meeting; and

WHEREAS, staff analyzed regulations from jurisdictions from across San Diego County and researched bee keeping and associated benefits, risks, and safety precautions; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to provide a permitting process to assure effective provisions of beekeeping; and

WHEREAS, the proposed zoning amendment is found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Section 15307 and 15308); and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

Provisions for beekeeping are consistent with General Plan objectives, specifically it helps conserve existing biological habitat, limits impacts on the remaining biological habitat, and increases local food resources.

Attachment B

2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.

The amendment modifies regulations for beekeeping activities to further encourage beekeeping and to ensure appropriate safety measures are taken to benefit the public health, safety and general welfare of the community; and

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code is exempt from environmental review under sections 15307 and 15308 of the California Environmental Quality Act Guidelines.

SECTION TWO:

Amendments to Chapter 18.16, ANIMAL KEEPING, establishing revised regulations for the keeping of bees, is hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on June 21, 2016.

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EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Animal Keeping Regulations, Chapter 18.16 to read as follows:

Section 18.16.020 General provisions [Excerpts only]

K. Public nuisance provisions within section 6.04.430 shall be applicable to animals and insects referenced in this chapter.

Section 18.16.060 Exotic animals. and beekeeping.

A. The keeping of animals considered to be members of a rare and endangered species, exotic or wild animals, including dangerous or poisonous reptiles, shall not be permitted within the city, except as provided in Section ~~6.04.430~~6.04.420 of the Lemon Grove Municipal Code.

B. Beehives may be kept within the residential low and low/medium zoning districts subject to the following:

1. The beekeeper shall apply for a beekeeping permit. The permit application shall be filed on a form available ~~in the office of the~~ from the planning/development services department and shall be accompanied with a nonrefundable fee as established by resolution of the City Council.

~~2. Prior to the issuance of a beekeeping permit, the city shall send written notification to the owners and residents of all properties abutting the lot where the bees are to be kept.~~

~~a. The owners and residents of the abutting properties may, within ten days of the date of the notice, file with the planning department a written protest against the issuance of a beekeeping permit.~~

~~b. The only acceptable grounds for protest shall be that a resident of a property which abuts the site of the proposed beekeeping suffers from severe allergic reaction for bee stings. Such allergy and its severity shall be documented by a written statement from a medical practitioner licensed by the state of California.~~

~~c. If the city receives a protest pursuant to this section which included required documentation, no beekeeping permit shall be issued.~~

~~3. Not more than two beehives shall be permitted on a lot or building site with an area of at least ten thousand square feet. Two additional beehives shall be permitted on a lot with an area of at least fifteen thousand square feet. No more than four beehives shall be permitted on any lot or building site.~~

~~4. The keeping of bees shall be conducted in accordance with this section and in accordance to the provisions of Chapter 6.12 of the Lemon Grove Municipal Code.~~

52. Up to four beehives may be permitted. Beehives shall be placed at least ~~one hundred~~twenty-five feet from the exterior line of the traveled way of any public streets, at least

Attachment B

twenty-five feet from the exterior line of any private access easement, at least ~~twenty-five~~ fifteen feet from any side or rear lot line, and at least ~~one hundred~~ twenty-five feet from any neighboring dwellings, ~~other than that occupied by the owner of the bees.~~ For three-to-four hives, a one-hundred foot separation from neighboring dwellings is required.

~~63.~~ Beekeepers shall keep sufficient open water available near the beehives during hot and dry weather in compliance with vector control regulations.

74. Beehives shall be well maintained at all times.

5. A beehive shall be no larger than 15 cubic feet in volume.

6. Only docile bee species may be permitted.

7. Registration with the County of San Diego Department of Agriculture, Weights, and Measures is required prior to beekeeping activities.

8. The following firefighting materials shall be maintained, in good working condition, at all times when the beehive is attended by the keeper, sufficiently near the beehive so as immediately to be available in case of fire:

a. A shovel; and

b. Either a fire extinguisher of the 2 ½ gallon water-under-pressure type or the 5 gallon back-pump type or its equivalent; or a garden hose connected to a source of water.

9. Beehives shall be placed at least one-hundred feet from the border of sensitive areas. Sensitive areas include areas where people, such as the elderly, small children, individuals with medical conditions or confined animals inhabit or frequent that are more at risk if stinging incidents were to occur. Sensitive areas are characterized by a demonstrated need for a greater safety buffer. These areas include, but are not limited to, schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, and animal-boarding facilities.

10. Property operators, owners, or residents who have medical reasons may apply to have their locations designated as sensitive sites. Businesses and facilities with employees who have medical reasons or where bees could cause a nuisance during normal work activities may also apply to have their locations designated as sensitive sites. The development services director may approve sites or remove sites previously approved or designated as sensitive sites upon request. Upon appeal, the City Council has final discretion to approve designation of locations as sensitive sites upon review of supportive documentation.